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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,548	03/18/2004	Larry Holmberg	HLMBL004USPT04	7466
23403 7590 10/28/2008 SHERRILL LAW OFFICES 4756 BANNING AVE SUITE 212 WHITE BEAR LAKE, MN 55110-3205				
EXAMINER				
HO, TUAN V				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
10/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,548

Applicant(s)

HOLMBERG, LARRY

Examiner

Tuan V. Ho

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-24 and 26-29 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. Applicant's arguments filed 7/16/08 have been fully considered but they are not persuasive.

With regard to claim 21 (Second Embodiment), Applicant argues that Griencewic does not disclose "uncovering the display when moving the display housing when moving the display housing to the second position.", page 7 of the remarks. In response to the arguments, the examiner notes that Griencewic teaches in Figs. 10-11, that display is in condition of uncovering when the display screen is in up and open positions and the camera is out of the housing); where the optical lens of camera 120 is uncovered.

For the reasons, the rejection is repeated.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 24, 26 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Griencewic.

With regard to claim 24, Griencewic discloses in Figs. 10-11, a camera system that performs the method of operating a camera comprising display housing has a first position and a second position in relation to the lens, further wherein in the first position the display housing covers the lens (display 40 covers the lens 124 when the lens is inside the display) and uncovering the display when moving the display housing to the second position (display is in condition of uncovering when the display screen is in up and open positions and the camera is out of the housing); where the optical lens of camera 120 is uncovered).

With regard to claim 26, Griencewic discloses in Figs. 10-ii, a camera system that comprises the operationally activating the lens and the display when the display housing is positioned in the second position (display 40 and lens 124).

With regard to claim 29, Griencewic discloses in Figs. 10-ii, a camera system that comprises the protecting the display from weather with a weather shield when the display housing is in the second position (back panel 40).

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by

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a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 9, 11, 13, 20-23 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 9 and 20 of U.S. Patent No. 7,006,144 in view of Black (US 4,835,621).

With regard to claims 9, 11, 13 and 20-23, claim 12 and 18 of Patent'144 disclose the substantially the same subject matter as disclosed in claims 9 and 20, except for a camera mount member adapted to couple the main camera body to a bow or firearm.

Black discloses a gun mounted video camera system that comprises video camera 12 mounted on gunstock 13 via bracket 14 (col. 4, lines 10-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the claimed camera with video camera 12 of Black so as to obtain a camera mount member connecting the main body to a firearm because the replacement of the video camera would allow a user to shoot a target with more accuracy.

6. Claims 1-7, 9, 11, 13, 21-23, 20 and 24, 27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 9 of U.S. Patent No. 7,327,394. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

With regard to claims 1, 3-7, 9, 11, 13, 21-23, 20 and 24, 27, claims 1, 3-7, 9, 11, 13, 21-23, 20 and 24, 27 are obvious variants and encompassed by claims 1 and 9 of Patent'394.

With regard to claim 2, Official notice is taken for a display to be a liquid crystal display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace

the claimed display with a LCD so as to obtain a LCD display because the LCD display would provide more compact and easily to move on a bow.

7. Claims 1-7, 9, 11, 13, 16-19, 20-24, 26-29 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, 17, 20, 23 and 26 of U.S. Patent No. 6,556,245. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

With regard to claims 1-7, 9, 11, 13, 16-19, 20-24, 26-29, claims 1-7, 9, 11, 13, 16-19, 20-24, 26-29 are obvious variants and encompassed by claims 1-5, 17, 20, 23 and 26 of Patent'245.

8. This office is not made Final because of new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan Ho whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan V Ho/

Primary Examiner, Art Unit 2622